IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CIVIL APPLICATION NO.12994 OF 2005
IN
FIRST APPEAL (ST.) NO.21032 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Heard Shri Jadhav, learned A.G.P. for the applicant and Shri Jayabhar, learned Counsel for Respondents.

2 This application is for condoning the delay of 297 days caused in filing the appeal. It is averred in the application that the impugned judgment and award was passed on 4th October, 2004. Application for certified copy was made on 5th October, 2004 and the certified copies were ready on 24th October, 2004. The copies were actually collected on 2nd November, 2004. The Law and Judiciary Department sanctioned the proposal and forwarded the same to the office of the Government Pleader on 29th December,

2004. It is further contended that the typed copies of the judgment and order were prepared and submitted to the office of the Government Pleader on 15th March, 2005. The demand draft of court fees was collected from the acquiring body and deposited in the office of the Government Pleader on 1st October, 2005 and the appeal was actually filed on 17th November, 2005.

3 In so far as the merits of the case are concerned, the learned A.G.P. pointed out that the Land Acquisition Officer awarded compensation @ Rs.250/- per R and the reference Court enhanced the compensation to Rs.575/- per R. In my opinion, though the applicants have not satisfactorily explained the delay caused in filing the appeal, at least from 29th December, 2004 till 17th November, 2005 i.e the date of filing the appeal, considering the controversy raised in the appeal and in the fact and circumstances of the case, delay deserves to be condoned subject to payment of costs of Rs.3000/- by the applicant to the respondents within a

period of 12 weeks from today.

4 Hence, on condition of payment of costs of Rs.3000/- by the applicant to the respondents within a period of 12 weeks from today, the civil application is allowed in terms of prayer clause (B) of the application. If the costs is not paid within a period of 12 weeks from today, the civil application shall stand dismissed without reference to the Court.

(R.G. KETKAR, J.)

23.11.2009.
PLK/*